

## **REMARKS**

Claims 84-95, 98-104, 108, 112-118, 120-122, 124-127, and 129-130 were previously presented. Claims 83 and 123 are amended. Claims 1-82, 96-97, 105-107, 109-111, 119, and 128 are canceled. In view of these changes, claims 83-95, 98-104, 108, 112-118, 120-127, and 129-130 remain pending in the application.

### **Objection to Claim 123 Under 35 USC §112**

Claim 123 is objected to for failing to further limit the subject matter of Independent Claim 83. Claim 123 is amended so it now narrows the claim 83 limitation of “employing the measured current to determine the presence or quantity of the target analyte in the sample” (the determination limitation). Claim 123 now specifies that the determination limitation includes “employing the potential in combination with the measured current to determine the presence or quantity.” Since the determination limitation is not limited by the use of the potential in claim 83, claim 123 narrows the scope of claim 83.

### **Rejection of Claim 83 Under 35 USC §112**

Claim 83 stands rejected under 35 USC §112 for not satisfying the written description requirement. Claim 83 is amended to specify a “self-assembly monolayer including biotinylated thiol molecules that include a sulfur that is bonded directly to at least one electrode selected from a group consisting of the working electrode, the reference electrode and the counter electrode.”

Paragraph [0166] teaches that a biotinylated thiol molecules can be included in a SAM when it states “depositing a SAM of a biotinylated thiol.” Further, paragraph [064] provides modifying “the surface on **at least one of the electrodes** ... using a self-assembly monolayer (SAM)” (emphasis added). Since the SAM can include biotinylated thiol molecules, the specification teaches biotinylated thiol positioned on at least one of the electrodes.

Figure 20 shows a sulfur bonding biotin-DAD-C12-SH to an electrode as disclosed in paragraph [0124]. Paragraph [0166] teaches that biotin-DAD-C12-SH is a biotinylated thiol when it states “depositing a SAM of a biotinylated thiol, biotin-DAD-C12-SH.” Accordingly, Figure 20 teaches biotinylated thiol molecules including a sulfur bonded to an electrode.

Since the specification teaches a biotinylated thiol positioned on at least one electrode and also teaches biotinylated thiol molecules including a sulfur bonded to an electrode, the specification teaches biotinylated thiol molecules that include a sulfur that is bonded directly to at least one of the electrodes as is claimed. Accordingly, the specification teaches the claim elements and a person of ordinary skill in the art would understand that Applicant was in possession of claim 83 at the time of filing.

#### **Rejection of Claim 126 Under 35 USC §112**

Claim 126 stands rejected under 35 USC §112 for not satisfying the written description requirement. Claim 126 specifies “the self-assembly monolayer is positioned on the working electrode, the counter electrode, and the reference electrode.”

Paragraph [0166] teaches biotin-DAD-C12-SH molecules included in a SAM when it states “depositing a SAM of a biotinylated thiol, biotin-DAD-C12-SH.” Figure 20 shows the biotin-DAD-C12-SH positioned on the working electrode, the counter electrode, and the reference electrode. Accordingly, the specification teaches a SAM positioned on the working electrode, the counter electrode, and the reference electrode as is claimed. Accordingly, the specification teaches the claim elements, a person of ordinary skill in the art would understand that Applicant was in possession of claim 126 at the time of filing.

#### **Rejection of Claim 127 Under 35 USC §112**

Claim 127 stands rejected under 35 USC §112 for not satisfying the written description requirement. Claim 127 specifies “forming the self-assembly monolayer on the working electrode, the counter electrode, and the reference electrode.”

Paragraph [0166] teaches biotin-DAD-C12-SH molecules included in a SAM when it states “depositing a SAM of a biotinylated thiol, biotin-DAD-C12-SH.” Figure 20 shows the biotin-DAD-C12-SH positioned on the working electrode, the counter electrode, and the reference electrode. Accordingly, the specification teaches forming a SAM on the working electrode, the counter electrode, and the reference electrode as is claimed. Accordingly, the specification teaches the claim elements, a person of ordinary skill in the art would understand that Applicant was in possession of claim 127 at the time of filing.

### **Rejection of Claim 130 Under 35 USC §112**

Claim 130 stands rejected under 35 USC §112 for not satisfying the written description requirement. Claim 130 specifies “the self-assembly monolayer is positioned on the reference electrode.”

The Office Action states that “the recitation that the ... self-assembly monolayer is directly bonded to only the reference electrode ... has no clear support in the specification. Applicant notes that claim 30 does not specify that the SAM is directly bonded to only the reference electrode as the Office Action states. Accordingly, the scope of Claim 30 should not be limited to the scope set forth in the Office Action.

Additionally, as set forth in the arguments above, Figure 20 illustrates a SAM positioned on a reference electrode as is specified in Claim 30. Since the specification teaches the claim elements, a person of ordinary skill in the art would understand that Applicant was in possession of claim 130 at the time of filing.

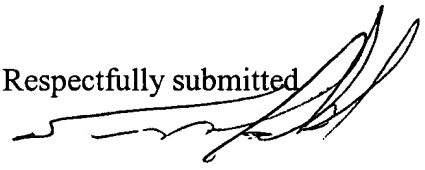
### **Allowable Subject Matter**

The Examiner has indicated that claim 128 would be allowed if re-written in independent form. In Response, Applicant has incorporated the subject matter of claim 128 into independent claim 83.

## CONCLUSION

The amendments set forth above are presented for a discussion scheduled for November 30, 2004. The Examiner is encouraged to telephone the undersigned with any questions.

Respectfully submitted



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